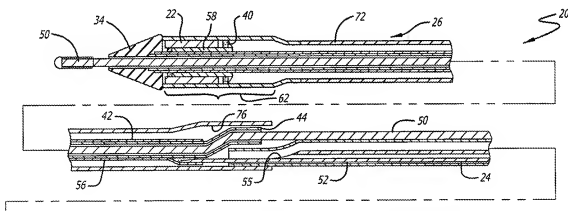


## REMARKS

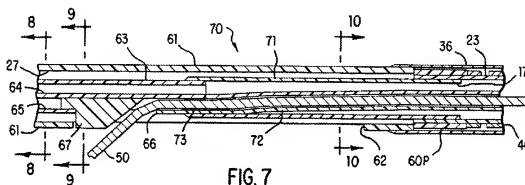
This Amendment is made in response to the Office Action dated June 24, 2009. Claims 26-30, 32-34 and 47-65 are pending in this application. By this Amendment, claims 26 and 47 have been amended to more clearly define the presently claimed invention. Favorable reconsideration of the pending claims is respectfully requested in view of the remarks below.

### Claims Rejected under 35 U.S.C. § 102

Claims 26-30 and 32 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U. S. Patent No. 5,792,144 to Fischell (the "Fischell patent"). As is noted above, claim 26 has been amended to more clearly define the presently claimed invention. Claim 26 now recites a structure in which the proximal end of the intermediate portion has an outer diameter which is larger than the diameter of the distal end of the proximal outer member. An opening in the intermediate portion is created which a guide wire to exit the proximal end of the guide wire receiving member without the need to bend once outside the catheter. FIG. 1 from the pending application, reproduced below, shows this structure which allows the guide wire to exit the guidewire receiving member 42 without the need to bend.



As can be seen above in FIG 1, the proximal end of the intermediate portion 76 has a diameter which is larger than the diameter of the distal end of the proximal portion 64 (see FIG 2). An opening at the proximal end of the intermediate portion allows the guide wire 50 to exit the proximal end 44 of the guide wire receiving member 42 without the need to bend once outside of the catheter. As can be seen from the Fischell catheter, namely, Figure 7 reproduced below, the guide wire 50 must bend in order to exit



the guide wire receiving portion of the catheter. When the Fischell catheter is being advanced through the patient's anatomy, the bend in the guide wire will be continuously maintained between the outer surface of the catheter and the wall of the patient's anatomy, which can possibly slow the advancement through the patient's anatomy. Moreover, the Fischell catheter must include an elongate slot 62 cut into the outer member so that the outer member can be retracted proximally to deploy the stent. The presently claimed invention allows the guide wire receiving member 42 to slide within the tubular opening of the intermediate portion thus eliminating the need for this elongated slot. Moreover, as is shown above in FIG. 1, the guide wire 50 exits the rapid-exchange portion of the presently claimed invention without the need to bend once outside the catheter. In this regard, the guide wire may move more smoothly through the rapid-exchange portion of the catheter as it is being delivered through the patient's

anatomy. Applicants respectfully request the Examiner to withdraw the Fischell patent as an anticipatory reference.

**Claims Rejected under 35 U.S.C. § 103 (a)**

Claims 47-52 and 54-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fischell patent. Claims 33, 34 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fischell patent in view of U.S. Patent No. 6,736,839 to Cummings (the "Cummings patent"). Applicants note that independent claim 47 has been amended to more clearly define the presently claimed invention. Claim 47 and its dependent claims include the recitation that the proximal end of the intermediate portion has an outer diameter which is larger than the diameter near the distal end of the proximal outer member. An opening in the intermediate portion allows the guide wire to exit the lumen of the guide wire receiving member without the need to significantly bend outside of the catheter. Again, as stated above with respect to claim 26, the Fischell patent does not disclose this structure. The guide wire 50 extends through the rapid-exchange portion of the Fischell patent and must bend, as is shown above in Figure 7, to exit the internal passage. Again, the structure of claim 47 and its dependent claims is not disclosed in the Fischell patent. Applicants respectfully request the Examiner to withdraw all obviousness rejections raised against the claims at issue.

Claims 33, 34 and 53 were rejected by the Examiner based on the combination of the Fischell patent and the Cummings patent. Applicants note that the Cummings patent also discloses a catheter structure in which the guide wire bends substantially when exiting the rapid exchange portion of the catheter. Therefore, the Cummings patent does not disclose the claimed structure which eliminates the bending of the guide wire outside of the catheter as the catheter is advanced over the guide wire. Applicants respectfully request the Examiner to withdraw the obviousness rejections against these claims as well.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional fee or credit any overpayment to our Deposit Account No. 06-2425.

Respectfully submitted,  
FULWIDER PATTON LLP

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Thomas H. Majcher, Reg. No. 31,119

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